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PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant: BRITTA, Evans

Group Art Unit: 1626

Serial No.: 10/510,393

STOCKTON,

Application Date: March 31, 2003

Conf No.: 2443

US Nat'l Entry

Date (if applicable): October 5, 2004

For: GROWTH HORMONE SECRETAGOGUES

Docket No.: X-15555

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Identification of Person Making This Disclaimer

I, James B. Myers, am employed by Eli Lilly and Company, and I am an attorney of record in the above-identified patent application. In that capacity, I am authorized to sign this disclaimer on behalf of Eli Lilly and Company.

Identity of Assignee

I hereby verify that the assignee owning all of the interest in this application is:

Eli Lilly and Company
Lilly Corporate Center
Indianapolis, Indiana 46285

Recordal of Assignments in PTO

The assignment for above captioned application was recorded on 5 October 2004 at
Reel/Frame 016807/0958.

The assignment for application no. 10/510,305 was recorded on 5 October 2004 at Reel/Frame 016892/0564

Extent of Interest

The extent of Eli Lilly and Company's interest is in the whole of the invention claimed in the above captioned application and in the whole of the invention claimed in application no. 10/510,305.

Disclaimer

I hereby disclaim the terminal part of any patent granted on this application, which would extend beyond the expiration date of: any patent granted on application number 10/510,305 and hereby agree that any patent granted on the above captioned application shall be enforceable only for and during such period that the legal title to the patent shall be the same as the legal title to any patent granted on application number 10/510,305.

I do not disclaim any terminal part of any patent granted on this application prior to the expiration date of the full statutory term of any patent granted on application number 10/510,305 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term other than as presently shortened by any terminal disclaimer.

Fee Payment

Please charge the fee set forth in 37 C.F.R. 1.20(d), and charge any additional fees which may be required by this or any other related paper, or credit any overpayment to Deposit Account No. 05-0840 in the name of Eli Lilly and Company.

Respectfully submitted,

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